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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,199	10/12/2000	Stanislaw Czaja	LSI-002-PAP-2	9271
24319	7590	10/28/2004	EXAMINER	
LSI LOGIC CORPORATION 1621 BARBER LANE MS: D-106 LEGAL MILPITAS, CA 95035			MOORE, IAN N	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 10/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/687,199

Applicant(s)

CZAJA ET AL.

Examiner

Ian N Moore

Art Unit

2661

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 26-31.Claim(s) objected to: 3.Claim(s) rejected: 1,2,4-25.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

  
BRIAN NGUYEN  
PRIMARY EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because: Regarding claims 1,2,and 4-25, Czaja discloses, a reverse link handoff, in page 4, paragraph 58 and FIG. 12. It is well known in the art that a forward link is the link from a base station to a mobile unit, and the reverse link is the link from mobile unit to a base station. Czaja'726's handoff is initiated and assisted by a mobile station after measuring and comparing signal energy/strength between 2G base station (see FIG. 12, BS1, 122) and 3G base station (see FIG. 12, BS2, 123), see page 3, paragraph 41-48. Thus, it is clear that a handoff disclosed by Czaja'726 is "a reverse link handoff". Chheda'738 teaches using Eb/No as a basis for a decision (see decision steps, see FIG. 2, Steps 202,245, 250, 256 and see FIG. 3, decision steps 305, 345, and 350); see col. 8, lines 1-42, see col. 2, lines 35-56, see col. 4, lines 1-32). Regarding the combined system of Czaja and Chheda, in order to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Chheda'738 discloses the motivation in col. 4, line 1-4 and col. 5, line 15-20 that such modification would optimize the reverse link power control during rapid rate changes and provide a way to adjust/select quality frame during the handoff. Regarding the offset, Czaja'72 teaches comparing power strength parameters between two base stations for handoff. Chheda'738 teaches the comparing a first power strength parameter Eb/No with a second power strength parameter and the delta/offset for handoff. Both Czaja'726 and Chheda'738 teach comparing signal power strength. Thus, it is clear that Chheda'738's offset/delta fully corresponds to the offset recite in claim 1. In fact, offset/delta value corresponds to any comparison, which involves two parameters/numbers..

Continuation of 5. does NOT place the application in condition for allowance because: Regarding claims 1,2,and 4-25, Czaja discloses, a reverse link handoff, in page 4, paragraph 58 and FIG. 12. It is well known in the art that a forward link is the link from a base station to a mobile unit, and the reverse link is the link from mobile unit to a base station. Czaja'726's handoff is initiated and assisted by a mobile station after measuring and comparing signal energy/strength between 2G base station (see FIG. 12, BS1, 122) and 3G base station (see FIG. 12, BS2, 123), see page 3, paragraph 41-48. Thus, it is clear that a handoff disclosed by Czaja'726 is "a reverse link handoff". Chheda'738 teaches using  $E_b/N_0$  as a basis for a decision (see decision steps, see FIG. 2; Steps 202,245, 250, 256 and see FIG. 3, decision steps 305, 345, and 350); see col. 8, lines 1-42, see col. 2, lines 35-56, see col. 4, lines 1-32). Regarding the combined system of Czaja and Chheda, in order to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Chheda'738 discloses the motivation in col. 4, line 1-4 and col. 5, line 15-20 that such modification would optimize the reverse link power control during rapid rate changes and provide a way to adjust/select quality frame during the handoff. Regarding the offset, Czaja'72 teaches comparing power strength parameters between two base stations for handoff. Chheda'738 teaches the comparing a first power strength parameter  $E_b/N_0$  with a second power strength parameter and the delta/offset for handoff. Both Czaja'726 and Chheda'738 teach comparing signal power strength. Thus, it is clear that Chheda'738's offset/delta fully corresponds to the offset recite in claim 1. In fact, offset/delta value corresponds to any comparison, which involves two parameters/numbers..